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**OK/HAV**

Attorneys for Defendant  
Thomas M. Heric, M.D.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS HERIC,

Defendant.

Case No. CR.S.05-0092 DFL

STIPULATION TO CONTINUE  
HEARING FOR ENTRY OF PLEA  
(PROPOSED) ORDER

From: July 7, 2005

To: October 6, 2005  
10:00 a.m.

It is hereby stipulated and agreed by and between Daniel S. Linhardt, Assistant United States Attorney and counsel for plaintiff United States of America, and Robert C. Moest, counsel for defendant Thomas M. Heric, M.D., that the hearing for entry of plea in the matter may be continued from July 7, 2005, to October 6, 2005, at 10:00 a.m., before the Hon. David F. Levi, Judge, United States District Court.

It is further stipulated and agreed that the time between July 7, 2005, and the agreed, continued hearing date, shall be excluded from the time within which further proceedings in the matter might be required under 18 U.S.C. § 3161. The reasons for the exclusion are that the parties in this matter have signed a plea agreement. Because of the plea agreement, the parties have suspended the process of trial preparation, better to

1 conserve resources and in the interests of their respective clients. As of July 7, 2005,  
2 counsel for defendant was engaged in other matters in Los Angeles, and was so engaged  
3 until mid-August, 2005. The first date convenient to all parties and the court is that agreed  
4 to above.

5 Under the circumstances, the parties agree, and ask the Court to find, that the ends of  
6 justice served by continuing the matter outweigh the best interest of the public and the defendant in a  
7 speedy trial, within the meaning of 18 U.S.C. § 3161(h)(8)(A).

8 Dated: September 8, 2005

LAW OFFICES OF ROBERT C. MOEST  
Robert C. Moest

9  
10 By: /s/ Robert C. Moest  
11 Robert C. Moest  
12 Attorneys for Defendant  
13 Thomas M. Heric, M.D.

14 Dated: September 8, 2005

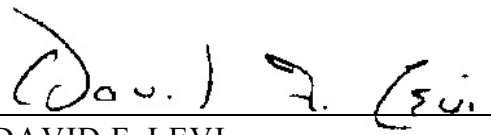
McGREGOR W. SCOTT  
United States Attorney

15  
16 By: /s/ Daniel S. Linhardt  
17 Daniel S. Linhardt  
18 Assistant U.S. Attorney  
19 Attorneys for Plaintiff  
United States of America

20 (Proposed) ORDER

21 Based upon the stipulation of the parties, and for good cause shown,

22 IT IS SO ORDERED.

23  
24   
25 DAVID F. LEVI  
26 United States District Judge  
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